

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/207,748	12/08/98	BI	Q 16-5-23

DOCKET ADMINISTRATOR RM 3C-512
LUCENT TECHNOLOGIES INC
600 MOUNTAIN AVE
P O BOX 636
MURRAY HILL NJ 07974-0636

TM01/0605

EXAMINER

TRAN, P

ART UNIT

PAPER NUMBER

2664

DATE MAILED:

06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/207,748

Applicant(s)

BI ET AL.

Examiner

PHUC H TRAN

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

2. Claims 1-8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding to claim 1, "a first channel and second during a portion of a first segment of a pilot channel, the first segment being one of a plurality of repeating segments" is not clear the during of what in the portion of segment of pilot change. "The transmitting power control" is not clear to where the power control is transmitted to and from.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art. Unit: 2664

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Willenegger et al. (U.S. Patent No. 5933781).

- With respect claim 1, Willenegger teaches a method for communicating power control information for at least two communication channels (e.g. the method of improvement the power control), which comprises the steps of: transmitting power control information for a first channel (e.g. in Fig. 1 the block 1 communicates with BS 2 for transmitting power control) during a portion of a first segment of a pilot channel, the first segment being one of a plurality of repeating segments; and transmitting power control information for a second channel (e.g. in Fig. 1 the block 1 communicates with BS 2 for transmitting power control) during a corresponding portion of a second segment of the pilot channel, the second segment being one of the plurality repeating segments (e.g. the subscriber unit 1 measures the power control signal with BS 2s to increase or decrease the power signal).

- With respect to claim 2, Willenegger also teaches the step of alternating between the transmission of power control information for the first channel and the transmission of power control information for the second channel (e.g. the subscriber unit 1 transmits the signals to BS 2s).

- With respect to claim 3, Willenegger teaches transmitting power control information for a third channel during a corresponding portion of a third segment of the

pilot channel, the third segment being one to the plurality of repeating segments (e.g. the subscriber unit transmits the power control to BS).

- With respect to claim 4, Willenegger fails to explicitly teach power control information for the first channel is transmitted more than once for each transmission of power control information for the second channel. It inherently knows that the times transmit the power control information for communication channels such as the design choice to communicate between the subscriber and base station.

- With respect to claims 5 & 7-8, Willenegger fails to explicitly teach the first channel is a voice, data, and video channel. But it is inherently to know the channels are voice, data and video information in the communication channel.

- With respect to claim 6, Willenegger also fails to explicitly teach the second channel is data channel. But it is inherently to know the channel is data channel in the communication channel for transferring information between users.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Keskitalo et al. (U.S. Patent No. 5570353) discloses method of transmitting and receiving power control messages in a CDMA cellular radio system.
- Knutsson et al. (U.S. Patent No. 6128506) discloses integrated power control and congestion control in a communication system.
- Soliman (U.S. Patent No. 6101179) discloses accurate open loop power control in a code division multiple access communication system.
- Wheatley, III (U.S. Patent No. 5267262) discloses transmitter power control system.
- Prescott (U.S. Patent No. 6188678 B1) discloses method and apparatus for adaptive closed loop power control using open loop measurements.

Art. Unit: 2664

- Sunay et al. (U.S. Patent No. 5940743) discloses power control of mobile station transmission during handoff in a cellular system.
- Love et al. (U.S. Patent No. 6058107) discloses method for updating forward power control in a communication system.

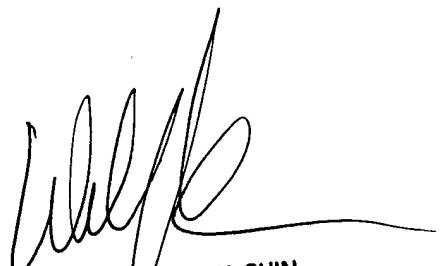
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WELLINGTON CHIN can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
May 31, 2001



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600